



COMMONWEALTH of VIRGINIA

DEPARTMENT OF SOCIAL SERVICES

February 25, 2005

FOOD STAMP CERTIFICATION MANUAL – VOLUME V

TRANSMITTAL #61

This transmittal contains clarifications and changes for the Food Stamp Program. This transmittal changes the process for handling the midterm review of cases certified for 24 months to the Interim Report process. The transmittal also contains provisions for the automatic closure of cases in ADAPT when households fail to complete the Interim Report process.

The overall provisions of this transmittal are effective April 1, 2005, for applications and actions effective April 1, 2005. The ADAPT changes for automatic closure of cases and generating an Interim Report in the eleventh month for cases certified for 24 month became effective for January actions. These changes were addressed in Broadcast #2972, issued December 30, 2004.


A description of the transmittal changes and guidance for maintenance of the certification manual follow. The certification manual and this transmittal are available on the Intranet at <http://www.localagency.dss.state.va.us/divisions/bp/fs/manual.cgi> and on the Internet at http://www.dss.state.va.us/benefit/fs_manual.html. Corresponding changes to the Quick Reference Guide may be found on the Intranet at <http://www.localagency.dss.state.va.us/divisions/bp/fs/policy.html>.

Remove Page(s)	Insert Page(s)	Significant Changes
Table of Contents Pages i-ii	Table of Contents Pages i-ii	The Table of Contents was revised to show the deletion of the remainder interest table.
Abbreviations	Abbreviations	An entry was added for Office of Refugee Resettlement and for the Virginia Department of Social Services. The Card Activation and PIN Selection (CAPS) entry was deleted since households no longer select the Personal Identification Number using the CAPS device.

Remove Page(s)	Insert Page(s)	Significant Changes
Definitions Pages 3-5	Definitions Pages 3-5	The PA Case definition was revised to consider a case as a public assistance case for all the months of diversionary assistance coverage.
Part I Pages 1-4	Part I Pages 1-4	Information previously contained in Part II about assisting households access their benefit accounts was moved to the section about benefit issuance and the use of food stamp benefits.
Part II Pages i-ii	Part II Pages i-ii	The Table of Contents was changed to include the section about contacting other states and to revise page numbers.
Pages 5-10	Pages 5-10	<p>The chapter about sending a notice when households miss a scheduled interview was clarified to require the agency to send a notice each time the household misses the interview. In addition, the date by which the agency must send the notice was changed from the date of the missed interview to the following day.</p> <p>The chapter was revised to delete references to the delivery of the PIN through the mail to determine timely processing of an application.</p> <p>The chapter was also revised to require agencies to contact other states to determine if countable months exist for household members subject to time-limited benefits. This requirement was previously included in the manual but we incorrectly removed the provision when federal regulations were published in 2001.</p>
Part III Page i	Page i	The Table of Contents was revised to show the deletion of the remainder interest table.

Remove Page(s)	Insert Page(s)	Significant Changes
Appendix II Pages 1-2		The table for calculating the interest in life estates is removed. The value of real property is no longer used to determine food stamp eligibility.
Part IV Pages 1-4, 9-11	Part IV Pages 1-4, 9-11	The process for review of eligibility during the eleventh month for cases certified for 24 months was changed to require these households file an Interim Report instead of completing the Review of 24-Month Certification Period form. The EW must code the Interim Report field in ADAPT to show when the Interim Report form should be generated, whether at Month 6 for 12-month certification periods, Month 11 for 24-month certification periods, or not at all.
Part VII Pages 7-8	Part VII Pages 7-8	The refugee category was expanded to include immediate family members of persons who have been victims of human trafficking.
Part IX Pages 3-4	Part IX Part 3-4	The resource exclusion for pension and retirement plans was clarified to consider withdrawn funds as being available at the time of retirement or at any other time.
Part XI Pages 3-6	Part XI Pages 3-6	The section that addresses income of military personnel was revised to exclude extra pay received because of deployment in a combat zone. This change is authorized by the Consolidated Appropriations Act 2005 (P.L. 108-447 and is retroactive to October 1, 2004.
Pages 11-12	Pages 11-12	The income exclusion section was revised to show that reimbursement for normal living costs may not be excluded. The section was inadvertently changed in Transmittal #56.

Remove Page(s)	Insert Page(s)	Significant Changes
Part XIV Pages 13-18	Part XIV pages 13-18	<p>The process for generating and handling Interim Report forms was revised to include households certified for 24 months. These households must submit the Interim Report to satisfy the requirement for a review of eligibility during the certification period.</p> <p>Reference to the automatic closure of cases in ADAPT when households fail to submit the Interim Report or required verification has also been added. The closure of cases will occur at the end of the seventh or thirteenth month unless the worker takes action to reinstate the case earlier. This means that the worker must leave a case suspended through the seventh or thirteenth month.</p>
Part XV Pages 1-2	Part XV Part 1-2	<p>The general provisions for the work requirement and time-limited benefits were revised to include an omitted word. The number of months a household member may have using the E9 designation may vary.</p>
Part XXIV Pages i-ii	Part XXIV Pages i-ii	<p>The Table of Contents was revised to show a revised version of the Change Report form and to show the deletion of the 24-Month review form.</p>
Pages 56-57	Pages 56-57	<p>The Change Report form was revised to include a statement about the change reporting requirements for Medicaid.</p>
Pages 76-77	Pages 76-77	<p>The instructions for the internal action form were changed to delete a reference about converting benefits to coupons.</p>

Remove Page(s)	Insert Page(s)	Significant Changes
Pages 106-107		<p data-bbox="764 426 1442 573">The Review of 24-Month Certification Period form was deleted. The review process will now be accomplished through the Interim Report process.</p>  <p data-bbox="764 758 1166 867">S. Duke Storen Director Division of Benefit Programs</p>

Attachment

ABBREVIATIONS/ACRONYMS

DEFINITIONS

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A. The Household Concept

ABBREVIATIONS/ACRONYMS

ADAPT	Application Benefit Delivery Automation Project
ADH	Administrative Disqualification Hearing
APECS	Automated Program to Enforce Child Support
ATP	Authorization to Participate
BEERS	Benefit Exchange Earnings Report
BENDEX	Beneficiary Data Exchange
CSR	Customer Service Representative
DCSE	Division of Child Support Enforcement
DFSP	Disaster Food Stamp Program
DMV	Department of Motor Vehicles
DRS	Disqualified Recipient Subsystem
EBT	Electronic Benefits Transfer
EW	Eligibility Worker
FIPS	Federal Information Processing Standard
FmHA	Farmers Home Administration
FNS	Food and Nutrition Service
FS	Food Stamps
FSET	Food Stamp Employment and Training Program
GR	General Relief
HUD	Department of Housing and Urban Development
IDA	Individual Development Account
IEVS	Income Eligibility Verification System
INA	Immigration and Naturalization Act
INS	Immigration and Naturalization Service
IPV	Intentional Program Violation
IRS	Internal Revenue Service
LIHEAP	Low Income Home Energy Assistance Program
NA	Nonassistance
ORR	Office of Refugee Resettlement
PA	Public Assistance
PIN	Personal Identification Number
POS	Point-of-Sale
QC	Quality Control
SAVE	Systematic Alien Verification for Entitlement
SDX	State Data Exchange
SSA	Social Security Administration
SSI	Supplemental Security Income
SSN	Social Security Number
SVES	State Verification Exchange System
TANF	Temporary Assistance for Needy Families
USDA	United States Department of Agriculture
USCIS	United States Citizenship and Immigration Services
VA	Veterans Administration
VDSS	Virginia Department of Social Services
VEC	Virginia Employment Commission
WIA	Workforce Investment Act

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Disqualified Recipient Subsystem (DRS) - A nationwide central database of persons who have committed Intentional Program Violations (IPV).

Homeless Household - A household that lacks a fixed and regular nighttime residence or a household whose primary nighttime residence is:

- a. A supervised shelter designed to provide temporary accommodations (such as a welfare hotel or emergency shelter);
- b. A halfway house or similar institution that provides temporary residence for individuals who would otherwise be in an institution;
- c. A temporary accommodation in the residence of another. (Temporary is defined here as having been in the home for not more than 90 days as of the date of application); or
- d. A place not designed for, or ordinarily used as a regular sleeping accommodation for human beings (e.g., as a park, bus station, hallway, lobby or similar places).

Initial or New Application - The first application for food stamps filed in a locality by a household. If the household subsequently moves to another locality, the first application taken in the new locality is also a new application.

Intentional Program Violation (IPV) - An intentional program violation consists of any action by an individual of having intentionally:

- a. Made a false or misleading statement to the local agency, orally or in writing, to obtain benefits to which the household is not entitled. An IPV may exist for an individual even if the agency denies the household's application;
- b. Concealed information or withheld facts to obtain benefits to which the household is not entitled; or
- c. Committed any act that constitutes a violation of the Food Stamp Act, Food Stamp regulations, or any State statutes relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons, ATP cards or access devices.

An IPV is also any action where an individual knowingly, willfully and with deceitful intent uses food stamp benefits to buy nonfood items, such as alcohol or cigarettes, uses or possesses improperly obtained coupons, ATP cards or access devices, or trades or sells coupons, ATP cards or access devices.

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Migrant Farm Worker - A farm worker who had to travel for farm work and who was unable to return to the permanent residence within the same day. See also Seasonal Farm Worker.

PA Case - A public assistance (PA) food stamp case is any case in which all household members receive or are authorized to receive income from the Temporary Assistance for Needy Families (TANF), Maintenance General Relief (GR) or Supplemental Security Income (SSI) Program. Any case that contains at least one member who does not receive TANF, GR or SSI is a nonassistance (NA) food stamp case. "Authorized to receive" income includes instances when approved benefits are not accessed, are suspended or recouped, or are less than the minimum amount for the agency to issue a payment.

Households that receive TANF Diversionary Assistance payments will be considered a PA case for as long as the diversionary assistance is intended to cover. The month after the diversionary assistance period of ineligibility expires will be when the PA status ends.

A PA case also includes a case in which any member receives or is authorized to receive a service from a program funded by the TANF block grant. Service programs must derive more than 50 percent of their funding from the TANF block grant or from state funds intended to meet the Maintenance of Effort for TANF funding. These programs must be for the purposes of:

- a. assisting needy families;
- b. promoting job preparation, work and marriage
- c. preventing or reducing out-of-wedlock pregnancies, provided the program imposes a 200 percent of poverty income guideline; or
- d. promoting two-parent families, provided the program imposes a 200 percent of poverty income guideline.

A child removed from the TANF grant because of noncompliance with school attendance requirements continues to be a PA recipient, for food stamp purposes, as long as the TANF case status remains active.

A case will be a PA unit as long as each household member derives some income from TANF, GR or SSI or at least one person receives a TANF service, which benefits the entire household. A case will also be a PA case as long as the PA income counts toward the food stamp eligibility or allotment, such as in the case of the Noncompliance with Other Programs policy of Part XII.D.

Reapplication - A reapplication is processed as an initial or new application. A reapplication is:

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- a. An application which is filed after an adverse or negative action. An adverse or negative action is a denial of an application or termination of an ongoing case.
- b. An application filed when more than a calendar month has elapsed after the last certification end date.

Recertification - The term recertification may refer to an application or the process of renewing eligibility and entitlement to benefits. A recertification application is an application filed before the certification end date or in the calendar month after the certification end date, provided the application does not follow an action to close the case.

Seasonal Farm Worker - An individual employed by another in agricultural work of a seasonal or other temporary nature. This includes employment on a farm or ranch performing fieldwork such as planting, cultivating or harvesting, or employment in related activities such as canning, packing, seed conditioning or related research, or processing operations.

Trafficking - The buying or selling of coupons, Authorization to Participate (ATP) cards or Electronic Benefits Transfer (EBT) cards or benefits for cash or consideration other than eligible food; or for the exchange of firearms, ammunition, explosives, or controlled substances.

A. PURPOSE OF THE FOOD STAMP PROGRAM

The purpose of the Food Stamp Program is to alleviate hunger and malnutrition. The Program will meet its goals by permitting low-income households to obtain a more nutritious diet through normal channels of trade by increasing the food purchasing power for all eligible households who apply for participation. The U.S. Congress intended to promote the general welfare and to safeguard the health and well being of the population of the Nation by raising levels of nutrition among low-income households. The intent is also to help provide food in cases of emergency and financial disaster.

The purpose of this manual is to provide the local social services agency with certification procedures. Regulations for the issuance of Electronic Benefit Transfer (EBT) cards to eligible households are in the Virginia Electronic Benefits Transfer Policy and Procedures Guide.

B. HISTORY OF THE FOOD STAMP PROGRAM

The Food Stamp Act of 1964 authorized the Food Stamp Program on a permanent basis. The Food Stamp Act of 1977, and subsequent amendments, amended the 1964 Act and resulted in the generation of the current Food Stamp Program regulations. The U.S. Department of Agriculture administers the Food Stamp Program nationally through the Food and Nutrition Service (FNS). In Virginia, local departments of social services operate the Program at the county/city level under the supervision of the Virginia Department of Social Services.

The Food Stamp Program started in four Virginia localities (Lee, Wise, Dickenson and the City of Norton) during the pilot phase of its development before the establishment of the permanent program on a national basis. Through requests to operate the Program from local governing bodies, more than 70 localities in the State expanded the Program by June 1974. President Nixon signed the Farm Bill into law in August 1973 that required nationwide implementation of the Food Stamp Program effective July 1, 1974. Nationwide implementation of the Food Stamp Program eliminated the Surplus Commodity Program which was an alternate food program available to localities.

C. ISSUANCE SYSTEMS AND FOOD STAMP BENEFIT USE

Eligible households in Virginia receive their food stamp benefits electronically where eligible households receive a plastic EBT card with a magnetic stripe and a personal identification number (PIN) to access the benefits.

The local agency must inform eligible households how to access their

benefits through EBT and the proper use of the benefits, as described in this chapter. **The agency must also assist households who have difficulty in accessing their food stamp benefits such as households comprised of elderly or disabled members, homeless households or those without a fixed mailing address. For example, the agency might assist an elderly person who is housebound in finding an authorized representative who might access the household's benefit account and shop for groceries on behalf of the household.**

Upon receipt, the Case Name and authorized representative should each sign their own EBT cards. Eligible households may use the EBT card at any retail store or other food vendor authorized by USDA to accept food stamp benefits. Authorized retailers may display a sign indicating authorization that reads, "We accept Food Coupons" or similar language, or that displays the QUEST logo.

In certain circumstances, eligible households may use food stamp benefits to purchase meals through:

- nonprofit meal delivery services, such as Meals-On-Wheels, or feeding sites for the elderly;
- authorized drug addiction and alcoholic treatment and rehabilitation centers;
- certain group living arrangements;
- shelters for battered women and children; and
- authorized nonprofit establishments that feed homeless persons and restaurants authorized to accept food stamp benefits.

A household may purchase any food or food product for human consumption with food stamp benefits. The household may also purchase seeds and plants for use in gardens to produce food for the personal consumption of the eligible household.

Households may not use food stamp benefits to purchase the following:

- alcoholic beverages or tobacco;
- hot foods ready for immediate consumption;
- pet foods;
- soap products, paper products or other non-food items usually available in a grocery store; or
- foods to be eaten on the store premises.

In addition, household may not use food stamp benefits to pay back grocery bills.

At the certification interview, the Eligibility Worker (EW) should advise the applicant that, when using food stamp benefits, to separate eligible items from ineligible items at the checkout counter unless there is electronic programming available that could identify eligible

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items. The household should also advise the cashier beforehand of the intent to use food stamp benefits, if electronic programming is not available to denote food stamp benefits or when the household will use EBT in conjunction with other payment methods.

Field offices for the USDA are responsible for the authorizing retailers to accept food stamp benefits and responsible for ensuring compliance of food stamp regulations by the retailers. Appendix II of Part I lists the USDA field offices and the Virginia localities assigned to each office.

D. PERSONNEL AND OFFICE OPERATIONS (7 CFR 272.4(a))

The local agency must provide qualified employees necessary to take prompt action on all applications. The local agency employees who certify households for participation in the Food Stamp Program must meet the same personnel standards as those used by the local agency for personnel who certify applicants for benefits under the federally aided public assistance programs. Only qualified local agency employees may conduct the interview of applicant households required by Part II.D and determine the household's eligibility or ineligibility and the level of benefits. In addition, only authorized employees or agents of the state or local agency, or a local issuing agency may have access to EBT cards or the EBT administrative terminal.

The local agency must provide timely, accurate, and fair service to applicants for and participants in the Food Stamp Program. Each local agency must establish office procedures and operations that accommodate the needs of the populations it serves. Populations with special needs may include households with elderly or disabled members, homeless households, households with members who are not proficient in English, and households with members who work during normal office hours.

E. NONDISCRIMINATION (7 CFR 272.6)

It is the policy of the State of Virginia and USDA that any applicant or participant must receive fair and equal treatment. There must be no discrimination against applicants or participants in any aspect of program administration for reasons of age, race, color, sex, disability, religious creed, national origin, or political beliefs.

1. Discrimination Complaints - People who believe that they were subject to discrimination may file a complaint by calling (202) 720-5964 or by writing:

U.S. Department of Agriculture
Director, Office of Civil Rights
Room 326-W, Whitten Building
1400 Independence Avenue
Washington, D.C. 20250-9410

State and local social services agencies must accept all written or verbal complaints of discrimination and forward them immediately to:

Director of Quality Management
Virginia Department of Social Services
7 North Eighth Street
Richmond, Virginia 23219-3301

If the individual making the complaint does not put the complaint in writing, the person receiving the complaint must do so.

Whenever possible, the complaint should include the following:

- a. Name, address, and telephone number or other means of contacting the person alleging discrimination.
- b. The location and name of the organization or office that is accused of discriminatory practices.
- c. The nature of the incident, action, or the aspect of program administration that led the person to allege discrimination.
- d. The reason for the alleged discrimination (age, sex, race, religious creed, color, handicap, national origin, or political belief).
- e. The names, addresses, and titles of persons who may have knowledge of the alleged discriminatory acts.
- f. The date or dates on which the alleged discriminatory actions occurred.

The discrimination complaint system, including the right to file directly with the Secretary or the Administrator, must be explained to each individual who expresses an interest in filing a discrimination complaint. It must be explained to the individual that complaints will be accepted even if the information specified above is not complete; however, investigations will be conducted only if the information described in (b), (c) and (d) is provided. It must also be explained that a complaint must be filed no later than 180 days from the date of the alleged discrimination, although the time for filing may be extended by the Secretary of Agriculture.

PART II APPLICATION/PROCESSING

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PART II APPLICATION/PROCESSING (CON'T.)

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The household will also be ineligible if it refuses to cooperate in any subsequent review of its eligibility, including reviews generated by reported changes and at recertification. Once denied or terminated for refusal to cooperate, the household may reapply but will not be eligible until it cooperates with the local agency. In addition, the household will be ineligible if it refuses to cooperate for a subsequent review of its eligibility as part of a quality control review. If the EW closes a household's case for refusal to cooperate with a quality control review, the household will not be eligible again until it cooperates with the quality control reviewer if the household reapplies before the end of the quality control reporting year (generally January 3), regardless of the original sample month.

The agency must not determine the household to be ineligible when a person outside the household fails to cooperate with a request for verification. The agency may not consider disqualified or ineligible people excluded from the Food Stamp Program as nonhousehold members. See Part VI.C.

D. INTERVIEWS (7 CFR 273.2(e)(1) and (3))

All applicant households, including those submitting applications by mail, fax, or electronically, must have face-to-face interviews with a qualified eligibility worker before initial certification and certification based on a reapplication. Interviews for recertification applications must occur at least once every twelve months. The individual interviewed may be the head of household, spouse, any responsible member of the household, or an authorized representative. For the purposes of this manual, responsible household member means a household member 18 years of age or older who has sufficient knowledge of the household's circumstances to provide any necessary information. The applicant may bring anyone to the interview as desired.

The certification interview must occur in the local agency food stamp office or other mutually acceptable site. The interview may take place in the applicant's home provided the EW arranges for the visit in advance as per Part III.A.3.

The interviewer must not simply review the information that appears on the application, but must explore and resolve with the household unclear and incomplete information. At the same time, the EW must make the applicant feel at ease. The interview must include:

1. An explanation of basic program procedures, including the local agency's and the household's responsibilities and the consequences, if these responsibilities are not met. This includes an explanation of the consequences of voluntarily quitting employment. This also includes an explanation of the issuance and use of food stamp benefits as outlined in Part I.C.

2. An explanation of the options available to the household and the advantages and disadvantages of each choice. This explanation must include the use of the utility standard or actual bills and the choice to have expenses averaged or counted only in the month billed.
3. An explanation of the household's rights.
4. An explanation that the agency may receive information through the Income and Eligibility Verification System (IEVS) or that the agency will access other computer systems. The agency will use and verify the information. Information that the agency receives may affect the household's eligibility and benefit level.
5. A discussion of appropriate collection actions for households that owe outstanding payments on claims.

In all instances, the agency must respect the household's right to privacy; the EW must conduct the interview as a confidential discussion of household circumstances. The scope of the interview may not extend beyond the examination of household circumstances that directly relate to the determination of household eligibility.

If an EW does not conduct the interview on the day the applicant files an application, the agency must schedule an interview. For applications and reapplications, the local agency must schedule interviews as promptly as possible to ensure eligible households receive an opportunity to participate within seven days, if expedited, or within 30 days after the household files an application. The agency should schedule the interview no later than 20 days after the application filing date for households that are not entitled to expedited processing. The EW must allow households a minimum of 10 days to provide information after the interview is scheduled.

If the household fails to appear for the scheduled interview, the local agency must send the household the *Request for Verification/Missed Interview* form **no later than the close of business of the business day following** the scheduled interview. The notice advises the household to reschedule the interview and that the agency will deny the application if the household does not reschedule the interview. **The agency must provide the *Request for Verification/Missed Interview* form each time a household misses a scheduled interview.**

The agency must deny the application on the 30th day after the application filing date if the household does not request another interview. If the household requests a second interview during the initial 30-day period, the agency must not deny the application. If the household is eligible for benefits, the agency must issue prorated benefits from the application date.

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The agency must not deny the application on the 30th day if the agency has not scheduled the interview before the 30th day. In addition, the agency must not deny the application on the 30th day if the agency has not allowed the household a minimum of 10 days after the interview to supply verification or needed information to process the application.

For agencies with walk-in systems for interviewing, the agency must assign a specific period for the applicant to appear for the interview if the applicant elects not to complete the interview on the day of the contact. The agency must schedule an interview even if the agency otherwise advises of the full range of interview hours available. As indicated above, the EW must send the *Request for Verification/Missed Interview* form to advise the household of the missed interview if the interview does not occur when scheduled. The agency must deny the application on the 30th day after the application filing date if the applicant misses the interview and does not reschedule the interview. See Part IV.C.3 for interview time frames for the recertification process.

The agency may request a certified household appear for an in-office interview during the certification period in order to clarify the household's circumstances. The agency may not require an interview however. See Part XIV.A.2 for a discussion of the agency's required actions on changes.

E. WAIVER OF THE OFFICE INTERVIEW (7 CFR 273.2(e)(2))

The agency must advise applicants at initial contact with the agency that the agency will waive the in-office interview and conduct a telephone interview or a prearranged home visit. The agency must waive the face-to-face interview on a case-by-case basis depending on individual household circumstances that include but are not limited to:

- a. illness
- b. care of a household member
- c. hardship due to residency in a rural area
- d. prolonged severe weather
- e. work or training hours during normal agency office hours
- f. situations where residents of shelters for battered women and children would be endangered if they leave the shelter
- g. transportation difficulties

The local agency must determine if the reason for the request, e.g., transportation or other hardship, reported by a household, warrants a

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waiver of the office interview. The agency must document the case file if it grants or denies a request for a waiver.

In addition to the conditions listed above, the agency may waive the office interview for households whose members are all elderly or disabled **and there is no earned income.**

The EW may waive the office interview at recertification without regard to the special circumstances listed above for households assigned certification periods of six months or less. A face-to-face interview must take place at least once every twelve months however unless the office interview waiver is appropriate.

Waiver of the face-to-face interview does not exempt the household from the verification requirements. The EW may allow the household to use special procedures, such as substituting a collateral contact for documentary verification if this would permit the household to provide verification in order to obtain its benefits in a timely manner.

Waiver of the face-to-face interview will not affect the length of the household's certification period.

F. NORMAL PROCESSING STANDARD (7 CFR 273.2(g)(1); 274.1)

The filing date of an application is the day the appropriate food stamp office receives an application. The minimal information an application needs is the applicant's name, address, and a signature by either a responsible member of the household or the authorized representative of the household. The local agency must provide eligible households that complete the initial application process an opportunity to participate, as soon as possible, but not later than 30 calendar days following the application filing date.

The 30-day processing standard does not apply for residents of public institutions who apply jointly for SSI and food stamps before their release from the institution. For these applicants, the agency must provide an opportunity to participate as soon as possible, but not later than 30 calendar days from the applicant's release from the institution.

The processing standards for households entitled to expedited service are in Part V. The processing standards for the recertification process are in Part IV.C.

The agency may not impose application procedures or processing standards of other programs on food stamp applicants.

1. Opportunity to Participate (7 CFR 273.2(g))

A household must receive the EBT card, the agency must authorize benefits and the vendor must post authorized benefits to the

account in order for the household to have an opportunity to participate timely.

Example

A household files an application on July 15. If the household is eligible, the agency must give the household an opportunity to participate by August 14. If August 14 falls on a Sunday, the EW must process the case by **Friday, August 5** so that the household may receive the EBT card **by mail** by Saturday, August 13 **or authorize the issuance of a vault card that the Case Name could pick up before August 14.** Additionally, the food stamp benefits must be posted to the EBT account.

2. Denying the Application (7 CFR 273.2(g)(3))

The agency must send a *Notice of Action* to deny an application if households are ineligible for benefits. The agency must send the denial notice as soon as possible, but not later than 30 days following the application date. Part XXIV contains a copy of the *Notice of Action* and instructions.

3. Processing Cases with Prior Participation in another Locality

When a household indicates on the application or during the interview that it had been certified in another locality or State, for either the month of application or the prior month, the EW must establish the household's current status with the prior agency. The EW must establish and document the effective date of case closure with the prior agency.

The new locality may not issue duplicate benefits for any months covered by the application if the agency can establish that the household or any of its members are still active in the prior locality.

For household members who are subject to the Work Requirement, the agency must address prior participation in another Virginia locality before certifying the members if the agency is aware of such participation. When households move from one Virginia locality to another, the Food Stamp Benefit Tracking Sheet or case information must be shared with the other agency to record participation fully.

Contacts with Other States

For applications filed by persons who are certified for food stamp benefits in another state, if otherwise eligible, the Virginia agency must issue benefits if the agency can establish that the household did not participate in the other state. If the agency

is not able to establish whether a household or a household member participated in the other State, the agency must accept the household's statement regarding participation. If there is reason to consider a household's statement questionable, the agency must resolve the questionable information before the case is approved. For households entitled to expedited service however, the agency must postpone resolution of this questionable information so that benefit delivery is not delayed beyond the expedited processing time.

The agency must follow-up with the other state agency to determine if the household participated in the other area. Allow sufficient time for the agency to determine if the household participated in the other state. If duplicate participation occurs for any months in question, the Virginia agency must file a claim for any benefits the household received while it also received benefits from the other state.

For household members who are subject to the Work Requirement, the agency must also address participation in another state towards the number of countable months if there is an indication from the application or interview that the member may have received food stamp benefits during the current 36-month period.

G. DELAYS IN PROCESSING

If the local agency does not determine a household's eligibility and provide an opportunity to participate within 30 days following the date the application was filed, the local agency must take the following action:

1. Determining Cause (7 CFR 273.2(h)(1))

The local agency must determine who caused the delay using the following criteria:

- a. A delay must be considered the fault of the household if the household failed to complete the application process even though the local agency took all required action to assist the household. The local agency is required to take the following actions before a delay can be considered the fault of the household:
 - 1) For households that failed to complete the application, the local agency must have offered, or attempted to offer, assistance in its completion.
 - 2) If one or more members of the household failed to register for work, as required in Part VIII.A, the

PART III

VERIFICATION/DOCUMENTATION

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A. CERTIFICATION PERIODS (7 CFR 273.10(f))

The local agency must assign a certification period once the agency determines that a household is eligible to participate in the Food Stamp Program. A certification period is the period of time within which a household is eligible to receive benefits. Certification periods vary depending on the particular circumstances of the individual household. No household may have a certification period of more than twelve (12) months, except for households comprised of elderly or disabled members as discussed in Section 2 below.

1. Assigning A Certification Period

All certification periods are based on calendar months. At initial application and reapplication, the first month in the certification period is normally the month of application. At recertification, the first month in the certification period is the month following the last month in the previous certification period. The beginning date of the certification period will generally be the filing date of the application for initial applications, reapplications, and recertification applications filed after the previous certification period expired.

The agency does not need to assign the same certification period at each new certification. Rather, the agency must assign a period for each household based on individual circumstances and household characteristics at the time of consideration.

Eligibility for benefits will cease at the end of each certification period. Participation may not continue beyond the end of the certification period without a new determination of eligibility. The household must receive written notification that the benefit period is ending. The agency may use the *Notice of Expiration* or the *Notice of Action and Expiration* for this purpose depending on the length of the certification period and the timing of the application approval. Time frames for providing the *Notice of Expiration* for the end of the certification period are described in Part IV.C.

2. Maximum Certification Periods

The maximum amount of time a household may have as a certification period is dependent on a household's circumstances as shown below. The EW should assign a shorter period than listed if an applicant household's circumstances do not warrant the maximum period. The EW must take into account anticipated changes or other factors that may affect eligibility when setting the certification period. The minimum certification period for all households will be one month.

The month when a household receives a partial month's allotment or receives no allotment because of proration will count toward the allowable maximum period.

<u>Period</u>	<u>Household Characteristics</u>
24 months	<ul style="list-style-type: none">Households in which all members are 60 years of age or older or all members are disabled, as defined in Definitions, may have a certification period up to 24 months as long as there is no earned income in the household. These households must file an Interim Report of their circumstances by the 12th month to receive benefits for the final 12 months of the certification period. See Part IV.C.8 and Part XIV.B.
12 months	<ul style="list-style-type: none">Households in which all adult members are 60 years of age or older or all adult members are disabled, as defined in Definitions, may have a certification period up to 12 months as long as there is no earned income in the household.
up to 6 months	<ul style="list-style-type: none">Households in which all members are homeless, as defined in Definitions, may have a certification period of up to six months depending on individual household circumstances.
up to 6 months	<ul style="list-style-type: none">Households in which at least one adult member meets the definition of a migrant or seasonal farm worker, as defined in Definitions, may have a certification period of up to six months depending on individual household circumstances.
6 months	<ul style="list-style-type: none">Households in which any member is eligible for time-limited benefits through the Work Requirement may receive benefits for no more than six months. Benefits for the certification period will be allowed as follows: one month of prorated benefits, if appropriate, up to three months of time-limited benefits and a varying number of months of special exemption benefits. See Part XV for determining eligibility for the Work Requirement.
5 months	<ul style="list-style-type: none">Households that receive Transitional Benefits for former TANF recipients may receive frozen benefits for five months. Note that ongoing households must have their certification periods lengthened or shortened to the five-month limit. See Parts XII.I and IV.D.3 for a discussion of Transitional Benefits.

- 12 months • **All other households not addressed above must have a certification period of 12 months and must file an Interim Report of their circumstances by the sixth month. See Part XIV.B.**

The face-to-face interview must occur at least once every twelve months for all households except the households given a 24-month period. The agency may waive the in-office interview for households on a case-by-case basis.

B. NOTICE OF ELIGIBILITY, DENIAL OR PENDING STATUS
(7 CFR 273.10(g)(1))

Each household must receive a written decision made on its application at initial application, recertification and reapplication. There are three types of action that the agency may take on an application:

1. the agency may find the household eligible for benefits;
2. the agency may find household ineligible; or
3. the agency cannot determine the household's eligibility within the required time frame and the case remains pending.

The agency must send the *Notice of Action* to inform the household of the disposition of its application, recertification or reapplication. The agency may use the *Notice of Action and Expiration* to inform the household of the approval of the application in the last month of certification. The forms and instructions are in Part XXIV. The agency must provide the Appeals and Fair Hearings pamphlet when it uses computer-generated *Notices of Action* for denied applications.

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C. RECERTIFICATION

Each household may apply for recertification before the expiration of the certification period in which it is currently participating.

The EW must base eligibility for recertification on circumstances anticipated for the month following the expiration of the current certification period. The same anticipated circumstances must be the basis for the level of benefits for the recertification period.

The local agency must complete the application process if the household meets all the requirements and finishes the necessary processing steps in a timely manner, as defined in this chapter, and approve or deny timely applications for recertification prior to the end of the household's current certification period. The agency must provide eligible households an opportunity to participate by the first of the month following the end of its current certification period.

A household may not receive benefits beyond the end of its certification period unless the household recertifies or unless the agency opts to extend the certification period to match a TANF or Medicaid review period. See Part IV.D for information and limitations on lengthening certification periods.

The joint processing requirements of Part II.H.1 apply to recertification applications. Expedited service processing provisions of Part V apply to recertification applications filed during the month after the previous certification period ends.

The remainder of this chapter describes the processing requirements for recertification applications and the timeframes for each.

1. Notice of Expiration (7 CFR 273.14(b))

The local agency must advise the household that the certification period is about to expire and that a new application is necessary to establish further entitlement. The agency must send the *Notice of Expiration* form to notify households of the end of the certification period. See Part XXIV for the form and instructions.

Except as noted below, households must receive the *Notice of Expiration* no later than the last day of the next to the last month of the current certification period, but not earlier than the first day of the next to the last month of the current certification period. When the agency mails the *Notice of Expiration*, allow two days for delivery in addition to the postmark date. Regardless of when the agency assigns the interview date, the recertification application will be timely if the household files the application by the 15th calendar day of the last month of certification.

b. Failure to Attend an Interview

A household that submits a timely recertification application but who is not interviewed timely has no entitlement to uninterrupted benefits. The local agency must, at a minimum, provide an eligible household with an opportunity to participate within 30 calendar days after the application filing date. The local agency must send the *Request for Verification/Missed Interview* form if the household misses the scheduled interview.

Example

A household files a timely recertification application on January 14. The household misses its scheduled interview set for the 14th so the EW sends the *Request for Verification/Missed Interview* form. The household asks for and attends an interview on February 2. The agency must act on the application by February 13, as long as the household has had at least 10 days to provide necessary verifications.

c. Failure to Provide Verification

If a household submits a timely recertification application but submits required verifications untimely, the agency must provide an opportunity to participate by the 30th day after the application filing date. Untimely means that the household did not provide the information within 10 days of the request date or by the last day of the certification period, whichever is later.

Example

A household files a timely application for recertification on the 12th of the month and attends its interview the same day. The household provides all needed verifications by the 25th. The agency must provide uninterrupted benefits to the household since the household met all the timeliness standards.

If the household does not provide needed verifications until the second of the following month, the agency must act by the 12th of the following month (30 days after the application filing date).

7. Early Filing of Recertifications

If a household files an application for recertification more than two calendar months before the end of the current certification period, the agency must deny the application as a duplicate application on file. If the household files the application so that the 30th day following the filing is before the end of the current certification period, the agency must extend the processing time for the case from 30 days to the end of the current certification period.

8. Mandatory Review of Eligibility for 24-Month Certification Periods

A review of eligibility for households certified up to 24 months must occur during the certification period. **The review must take place anytime a case has a certification period that is over 12 months.** The agency must conduct a review of the household's eligibility during the eleventh month of certification.

The Virginia Department of Social Services will send households an Interim Report form to complete the review. The EW must note the frequency for sending the Interim Report in ADAPT to initiate the review process.

The EW must assess the returned Interim Report form for completeness and must use the information submitted on the report to determine the household's eligibility. If the household fails to submit a completed Interim Report or to submit required verification or information, the household's case will automatically close at the end of the 13th month of the certification period unless the EW takes action to close the case earlier based on the information presented on the Interim Report. In addition, ADAPT will suspend benefits for the 13th month to ensure completion of the interim review. See Part XIV.B for a discussion of the Interim Report process.

D. CHANGING THE LENGTH OF THE CERTIFICATION PERIOD

1. Shortening Certification Periods

Once the agency determines a household eligible for benefits, the agency must establish the number of months the household may receive benefits before the household must file another application and have the eligibility process begin again. A certification may range from one month to 24 months in length. Once the agency establishes the certification period, the agency may not shorten the period to initiate the recertification period. The agency may shorten the certification period only for households due Transitional Benefits.

If the agency determines that the household is not eligible for benefits because of changed circumstances, the agency must send an adverse action notice (*Notice of Action* or *Advance Notice of Proposed Action*) to close the case. If the agency is unable to determine the household's eligibility because of suspected changes in the household's circumstances, the agency must send the household the *Request for Verification/Missed Interview* to request information from the household. The household will have ten days to respond to the agency request for contact and submission of information.

The agency must send an adverse action notice to terminate benefits if the household does not respond timely or completely to the notice. If the household responds timely and completely and the response causes the household to be eligible for a lesser amount of benefits, the agency must send an adverse action notice to reduce the benefits. See Part XIV.A for other information on handling changes.

2. Lengthening Certification Periods

At its option, the local agency may lengthen a household's certification period to align the food stamp certification period with the review period established for the Medicaid or TANF Programs. The original period and the extended period together may not exceed the 24- or 12-month limits as addressed in Part IV.A.2. The agency must send the household a Notice of Action to advise of the revised certification period.

3. Adjusting Certification Periods for Transitional Benefits

In most instances, when a household's TANF grant terminates, the EW must switch the household's food stamp eligibility to the Transitional Benefits component. A household may receive Transitional Benefits for a maximum of five months. The EW must shorten the certification period so that the original certification period will expire at the end of five months if more than five months remain in the original period at the time of the conversion. If there are fewer than five months left in the original certification period at the time of the conversion to Transitional Benefits, the EW must lengthen the certification period to allow for a five-month period. The EW must use the *Notice of Action* to notify the household of the reassigned certification period and the amount of the benefits at the time of the conversion to Transitional Benefits. See Part XII.I.

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- k. Be participating in an on-the-job training program; or,
- l. Be assigned to or placed in an institution of higher education through:
 - 1) Programs under the Workforce Investment Act (WIA);
 - 2) The Food Stamp Employment and Training (FSET) Program;
 - 3) A program under Section 236 of the Trade Act; or,
 - 4) An employment and training program operated by State or local governments where one or more of the program's components are comparable to FSET components.

Students paid or subsidized for in-class hours are not considered employed during that time so such class attendance would not make a student eligible under the minimum 20 hour per week work requirement. In addition, the exemption for on-the-job training is valid only for the period the person is being trained by the employer.

In evaluating a student's eligibility based on the work-study provision, note that the student must be approved for work-study at the time of the application for food stamps. In addition, the work-study must be approved for the school term and the student must anticipate actually working during the school term. This exemption will begin either the month the school term starts or the month the work-study is approved, whichever is later. The student's exemption is not to continue beyond the month the school term ends or when it becomes known that a work-study assignment has been refused nor, is the exemption continued between terms when there is a break of a full month or more, unless the student is participating in work-study during the break.

In evaluating whether adequate childcare is not available for children who have reached the age of 6 but are not yet 12, the following guidelines have been developed. If:

- a. There is no licensed day care facility available; or,
- b. The student cannot afford the day care; or,
- c. There is no reliable or reasonable transportation to the day care provider;

then it is probably likely that adequate child care is not available. Note, however, that even if these factors exist, adequate childcare is deemed available if the student has arranged for day care.

F. CITIZENSHIP AND ELIGIBLE IMMIGRANTS

Only U.S. citizens and certain immigrants are eligible for the Food Stamp Program. Based on the household's written declaration on the application, the local agency must determine if each household member is a citizen or an immigrant. If a member is an immigrant, the local agency must determine if that member is an eligible immigrant. The sponsored immigrant policies described in Part XII.C must also be evaluated for eligible immigrants who have sponsors.

1. Eligibility of Immigrants

The following categories of immigrants are eligible to participate in the Food Stamp Program:

- a. A refugee admitted under Section 207 of the Immigration and Nationality Act (INA) until seven years after the date the refugee status was granted.

This category includes individuals who are victims of human trafficking **and may include the minor children, spouse, parents, or the unmarried minor siblings of the trafficking victim.** These refugees must present a letter from the Office of Refugee Resettlement (ORR) **or present a T visa** that certifies or documents the status. **The EW must call 1-866-401-5510 to verify the validity of the documents and to inform ORR of the application for food stamp benefits.**

- b. An immigrant granted asylum under INA Section 208 until seven years after the date the status was granted.
- c. An immigrant living in the U.S. and for whom deportation is being withheld under INA Section 243(h) or Section 241(b) (3) until seven years after the deportation withholding.
- d. A Cuban or Haitian entrant, as defined in Section 501(e) of the Refugee Education Assistance Act of 1980, until seven years after the date the Cuban-Haitian status was granted. This designation includes refugee or parole status.
- e. An Amerasian immigrant until seven years after the date admitted as an Amerasian immigrant as documented by the I-94 or other forms with notations of AM1, AM2, AM3, AM6, AM7, or AM8.
- f. Lawful permanent resident immigrants who have worked for 40 qualifying quarters of coverage under Title II of the Social Security Act are eligible for food stamps. Quarters of work for jobs not covered by Title II of the Social Security Act may be credited toward the qualifying minimum. For quarters after December 1996, no federal means-tested public benefits may be

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Except for persons married to each other, each party's net contribution to the account may be established by signed statements from all parties.

If the parties can establish that they intended a different ownership arrangement, then that ownership arrangement prevails over the above presumption.

Example

A food stamp client's name is listed on her elderly mother's savings account. Both the client and her mother sign statements that the client has not contributed any money to the account. The account is not a resource to the client.

If parties married to each other are divorced by final decree, ownership of a joint account is proportional to their net contributions unless the divorce decree specifies otherwise.

2. That portion of the liquid resources of an alien's sponsor and the sponsor's spouse (if living with the sponsor) deemed to be those of the alien according to procedures established in Part XII.C.2.

D. EXEMPT RESOURCES

Resources that will not count in determining eligibility include:

1. Real property, regardless of acreage.
2. Mobile homes, regardless of lot ownership.
3. Vehicles.
4. Household goods, such as furniture and appliances, and personal effects, such as clothing and jewelry. All tools are exempt, whether or not they are essential to the employment or self-employment of a household member.
5. Burial plots. In addition, the value of bona fide funeral agreements is exempt.
6. Cash value of life insurance policies.
7. Funds in pension or retirement plans, as long as the funds are not withdrawn. These plans may include 401(k), 403(b), 501(c)(18) and KEOGH plans that involve an obligation with someone outside of the

food stamp household. Funds withdrawn at the time of **or after** retirement **or other job termination will** count as income **upon receipt.**

The following plans are not exempted from consideration; they are countable resources: KEOGH Plans where there is no contractual relationship with individuals outside of the food stamp household; Individual Retirement Accounts (IRA); and Simplified Employer Pension Plans (SEP). See Part IX.C.1.f to determine the countable value.

8. The contract amount for land, buildings, and vehicles, sold on an installment basis.

Examples

- a. An applicant sells a piece of land for \$3,000. The applicant continues to hold the deed while the buyer pays \$100 per month. The \$3,000 selling price is exempt, but the \$100-payment counts as income.
 - b. An applicant sells a car for \$1,900 (which is its "Blue Book" value), but continues to hold title to the car while the buyer pays \$75 per month. The monthly payment of \$75 will count as income.
9. Resources whose cash value is not accessible to the household, such as, but not limited to:
- a. Security deposits on rental property or utilities.
 - b. Property in probate. For example, any property inaccessible to the household until there is a judicial determination concerning the validity of a will.
 - c. Some profit sharing programs. For example, a program that makes money available to the employee only when necessary to allow the employee to pay excessive medical expenses is exempt.
 - d. Irrevocable trust funds. These are any funds in a trust or transferred to a trust, and the income produced by that trust to the extent that it is not available to the household provided that the following four criteria are met:
 - 1) The trust arrangement is not likely to cease during the certification period and no household member has the power to revoke the trust arrangement or change the name of the beneficiary during the certification period;

Ownership of rental property is a self-employment enterprise; however, income derived from the rental property counts as earned income only if a household member actively manages the property for a minimum of 20 hours a week.

Payments from roomers and boarders counts as earned self-employment income.

3. Training Allowances and Work Investment Act

Training allowances from vocational and rehabilitative programs recognized by federal, State or local governments when they do not constitute a reimbursement. (See Part XI.F.) This includes, but is not limited, to vocational rehabilitation incentive payments.

Income received by individuals who are participating in on-the-job training programs funded through the Work Investment Act will be considered earned income. This provision includes on-the-job training programs funded under the National and Community Services Act, Americorps, the Summer Youth Employment and Training Program, and the Youthbuild Program. This provision, however, does not apply to household members under 19 years of age that are under the parental control of another household member, regardless of school attendance and/or enrollment as discussed in Part XI.F.8. See also Part XI.F.11.d.

4. Payments under Title I of the Domestic Volunteer Service Act of 1973

Payments under Title I (VISTA, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 count as earned income unless they are excluded from consideration. See Part XI.F.11.c.

5. Payments to Day Care Providers

Payments to day care providers for meals served to children, other than their own, funded by the School Lunch Act will count as earned income to the provider. These payments do not count as reimbursement. See Part XII.A.7 for allowable business costs.

6. Jury Duty Pay (PIRS 88-10)

Jury duty pay is countable earned income unless it meets the infrequent/irregular income or reimbursement policy of Part XI.F.4 or F.6.

Use the following documents or records, generally available from the applicant, to verify the earned income of the household:

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Pay stubs	Pay envelopes
Employee's W-2 Form	Wage tax receipts
State or federal income tax return	Self-employment bookkeeping records
Sales and expenditure records	

Verification from other sources might include:

Employer's wage records	VEC Office
Statement from the employer	State Income Tax Bureau

D. SPECIAL INCOME OF MILITARY PERSONNEL (FNS Policy Memos 81-1, 81-5, and 81-13 and Admin Notice A-24-91)

Many members of the military receive special allowances that count in determining the eligibility and benefit amount of households containing such persons. Military personnel may receive the following allowances:

1. Basic Allowance for Housing (BAH)
2. Basic Allowance for Subsistence (BAS)
3. Clothing Maintenance Allowance (CMA)

These allowances will appear on the leave and earnings statement of military personnel. Evaluate the allowance as follows:

- a. BAH. This allowance provides uniformed service members with compensation for housing based on comparable civilian costs of housing. The BAH is based on civilian rental costs by pay grade, dependency status, and location. The household will receive one monthly payment. The housing allowance replaces the Basic Allowance for Quarters (BAQ) and the Variable Housing Allowance (VHA).

The BAH is considered as earned income for Food Stamp purposes. The household is also entitled to a shelter deduction. In some instances a person will receive a BAH and then have all or some of this amount deducted on the leave and earnings statement, because he or she lives on the base. Use the amount listed to compute the shelter deduction.

- b. BAS. With some exceptions, each member of a uniformed service who is entitled to basic pay is entitled to a BAS. An enlisted man is entitled to BAS, on a daily basis, when rations in kind are not available, when permission to eat separately has been granted, and when assigned to duty under emergency conditions where no eating facilities of the United States are available. An officer of a uniformed service who is entitled to basic pay is at all times entitled to BAS.

The BAS is paid in cash, on a daily basis, or by check, three months in advance, and is not considered a part of the wages. The BAS will appear on the leave and earnings statement monthly. The BAS is considered as earned income for Food Stamp Program purposes.

- c. CMA. Generally, enlisted personnel receive uniforms upon acceptance into the armed services and regular allowances to replace worn out uniforms. Officers receive both an initial allowance and additional allowances depending on years in service. The CMA is paid in the personnel's regular check but is shown separately on the leave and earnings statement.

For Food Stamp Program purposes, the CMA is excluded as a reimbursement for the job-related expense of uniforms under Part XI.F.6.

Any amount received by or made available to household members for deployment or service in a combat zone will not count as income for Food Stamp Program purposes unless the payment was received before the deployment. This exclusion includes items such as, but not limited to, incentive pay for hazardous duty, special pay for imminent duty or hostile fire duty or certain reenlistment bonuses, or special pay for certain occupational or educational skills.

E. UNEARNED INCOME (7 CFR 273.9(b)(2))

Unearned income includes:

1. Assistance Payments

Assistance payments from federal, federally aided, or State-local public assistance programs, based on need. Examples are:

- a. Temporary Assistance to Needy Families (TANF)
This includes payments made under the TANF block grant to supplement recipients for child support received by the Division of Child Support Enforcement on the household's behalf.
- b. General Relief (GR)
- c. Supplemental Security Income (SSI)

Income from these assistance programs will count as unearned income even if provided in the form of a vendor payment, unless the provisions of Part XI.F.3 apply that prohibit considering certain vendor payments as countable income.

Assistance payments from programs that require the actual performance of work without compensation, other than the assistance payments themselves, count as unearned income.

2. Annuities and Pensions

Annuities and pensions, such as:

- a. Retirement benefits
- b. Veteran's benefits
- c. Disability benefits
- d. Old age, survivors, and Social Security benefits (OASDI)

3. Workmen's or Unemployment Compensation

4. Strike Benefits

5. Foster Care Payments

Foster care payments made to a household on behalf of a legally assigned foster child. Note: Foster care payments will be considered the income of the foster family if the household elects to count the foster child as a household member for food stamp purposes. Therefore, if the foster person is excluded from the household under the provisions of Part VI.A.3., the payment is not considered income to the rest of the household.

6. Certain Rental Property Income

Income derived from rental property in which a household member is not actively engaged in the management of the property at least an average of 20 hours a week. Except for the fact that the earned income deduction (Part XIII.A.2) does not apply, treat this income the same as a self-employment enterprise. (See Part XII.A.)

7. Support and Alimony Payments

Support and alimony payments made directly to the household from a nonhousehold member. This includes payments redirected to the household from the Division of Child Support Enforcement (DCSE). Payments received by or for TANF recipients that the household should send to the Division of Child Support as a condition of TANF eligibility will not count even if the household fails to redirect the payments. Payments received through the TANF Program to supplement recipients for support payments received on their behalf will count as TANF income instead of support payments. See Part XI.E.1.a.

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- e. Special and emergency assistance, not specifically excluded by other provisions of this section, made over and above the normal grant.
- f. Emergency TANF vendor payments on behalf of a migrant or seasonal farm worker household while the household is in the job stream.

2. GR Vendor Payments

Except for some vendor payments for housing, GR vendor payments do not count as income. A housing vendor payment will count as income unless the payment is for:

- a. Utility costs
- b. Energy assistance
- c. Housing assistance from a state or local housing authority
- d. Special and emergency assistance, not specifically excluded by other provisions of this section, made over and above the normal grant.
- e. Emergency GR vendor payments on behalf of a migrant or seasonal farm worker household while the household is in the job stream.

3. HUD Vendor Payments

Rent or mortgage payments made by the Department of Housing and Urban Development (HUD) to landlords or mortgagees are excluded. This includes TANF payments for housing made through HUD.

4. Educational Assistance Vendor Payments

Educational assistance paid on behalf of households for living expenses are excluded.

5. Vendor Payments that are Reimbursements

Vendor payments that are also in the form of reimbursements are excluded.

6. Demonstration Project Payments

In-kind or vendor payments that would normally not count

as income but which are converted, in whole or in part, to a direct cash payment under a federally authorized demonstration project or a waiver of federal law provisions are excluded.

7. Other Third-Party Payments

Money which is legally obligated and otherwise payable to the household shall be counted as income and not excluded as vendor payments when they are diverted to a third party by the provider of the payment for a household expense. Court-ordered support or alimony payments and wages are examples of payments that will count as income regardless of diverted payments to third parties.

4. Infrequent or Irregular Income

Any income in the certification period which is received too infrequently or irregularly to be reasonably anticipated, but which is not more than \$30 in a calendar quarter. This may include interest payments on bank accounts or other financial instruments as long as the average monthly payment is less than \$10.00 per month.

5. Loans

All loans. The loan may be from a private individual as well as from a commercial institution. When verifying that income is exempt as a loan, a legally binding agreement is not required. A simple statement signed by both parties that indicates that the payment is a loan and that the household must repay the loan will be sufficient verification. If the household receives payments on a recurrent or regular basis, however, from the same source, but claims the payments are loans, the local agency may also require that the provider of the loan sign an affidavit which states that repayments are being made or that payments will be made in accordance with an established repayment schedule.

6. Reimbursements

Reimbursement on past or future expenses, to the extent that:

- a. They do not exceed actual expenses.
- b. They do not represent a gain or benefit to the household.

Reimbursements for normal household living expenses, such as rent or mortgage, personal clothing, or food eaten at home are a gain or benefit, and, therefore, **are not excluded**. To exclude this

transferring agency must wait a month before completing the transfer. The final assessment of the case must take place after the handling of postponed verifications for an expedited case or after the processing of the interim report. The final assessment of the case may take place as late as a month after the report of the move.

If the household reports changes in household circumstances, verification of the changed elements may be needed before the second month, by the next recertification, or for the Interim Report, depending on the impact of the changes on the allotment. Verification will be needed before the second month if the food stamp allotment will increase because of the reported changes. The transferring agency must notify the household on the *Notice of Action* that reflects the allotment change to provide the new verifications to the new agency. The transferring agency must also notify the receiving agency on the *Case Record Transfer Form* to obtain the verification or change the allotment back to the original amount.

The EW must complete the *Case Record Transfer Form* and forward it to the receiving agency. The transferring agency must transfer the entire case file. At its option, the agency may keep photocopied or other duplicates of case documents. The transferring agency may not keep any of the original documents from the case file except when the transferring and receiving agency both use the Ez-filer system or when there is an ongoing claims investigation in which case the agency may keep applicable case information and send a copy of the documents to the receiving agency or make arrangements to secure the necessary documents later from the receiving agency.

The EW must complete a *Notice of Transfer* form to notify the household of the transfer of the case. The EW must send the Notice of Transfer to the household along with a *Change Report* form.

The transferring agency must deliver the intact case file to the receiving agency by certified mail, by authorized courier service, or hand delivery by local agency personnel. The transferring agency must obtain a receipt for the case file from the receiving agency. Note: If the transferring and receiving agency both use the Ez-filer system, the transferring agency may send a compact disk of the case information if that is acceptable to the receiving agency. If the receiving agency does not use the Ez-filer system, the transferring agency must print the case information and send the documents to the receiving agency.

d. Case Transfer Process for the Receiving Agency

Within five days of receiving a case file transferred from another Virginia locality, the receiving agency must complete a desk review and determine the continued eligibility and benefit level of a case transferred to the agency. The receiving agency must contact the household to confirm the household's new address and any changes previously shared with the transferring agency if there are references to new eligibility elements that may have changed as a result of the move. The household is not required to report or verify any eligibility elements that may have changed as a result of the move beyond the mandatory reporting elements (i.e., income that exceeds the gross income level and number of work hours for persons whose benefits would be time-limited).

The receiving agency will be responsible for all future processes related to the transferred case, including such actions as but not limited to, sending the *Notice of Expiration* for the end of the certification period, receiving applications for continued benefits, establishing claims or providing restoration, or responding to quality assurance or hearing officer requests.

B. INTERIM REPORT FILING

All households must file an Interim Report by the sixth **or twelfth** month of the certification period unless they are exempt from filing as noted below. Household composition and financial circumstances at the time of application will be the basis of the food stamp benefit amount for the first half of the certification period unless the household reports a change during the certification period **before the Interim Report period**. The household composition and financial circumstances reported on the Interim Report will be the basis of the food stamp benefit amount for the remainder of the certification period unless the household reports additional changes after filing the Interim Report.

1. Exemption from Filing

The following households are exempted from filing an Interim Report:

- a. Households where:
 - there is no earned income;
 - all adult members are 60 years of age or older or are permanently disabled, as defined in Definitions; **and**
 - **the certification period is 12 months or less.**
- b. Households in which all members are homeless, as defined in Definitions.

- c. Households with at least one adult member who is a migrant or seasonal farm worker. See Definitions.
- d. Households in which any member is eligible for time-limited benefits because of the Work Requirement. To meet the Interim Reporting exemption, the members must be exempt from the Work Requirement because of the Special Exemption Months category only and may not meet any other Work Requirement exemption. See Part XV.
- e. Households that receive Transitional Benefits for former TANF recipients.

2. Interim Reporting Filing

A household that is required to file the Interim Report must have a 12- **or 24**-month certification period. On or about the twentieth of the fifth **or eleventh** month of the household's certification period, the Virginia Department of Social Services will create and mail the Interim Report to all households identified by the EW in ADAPT. Upon identifying cases due an Interim Report and producing information for the Interim Report each month, the ADAPT system will suspend the case's eligibility. A list of cases sent the Interim Report and a copy of the Interim Report for the household will be available online to the local agency.

a. Household Responsibilities

The household must complete the Interim Report and return it to the local agency by the fifth day of the sixth **or twelfth** month. If the household reports a change in its circumstances, the household must supply verification of the changed elements. If the household fails to verify changed deductible expenses, the household will not get credit for the unverified expenses. The household must provide additional information or verifications as requested by the local agency within the time allowed. Any responsible household member or authorized representative may complete the Interim Report.

b. Agency Responsibilities

The local agency must review the list of cases sent the Interim Report against the returned forms. If a household fails to return the form by the fifth day of the sixth **or twelfth** month of the certification period, the agency must send the household another form along with the *Interim Report Form - Request for Action* form. The household will have ten days from the mail date to return the second Interim Report.

The agency must assess Interim Report forms returned from households for completeness, accompanied verifications and reported changes. If the returned Interim Report is incomplete or lacks required verifications of reported changes, the agency must send the *Interim Report Form - Request for Action* form and the original Interim Report to the household. The household will have ten days to supply information, verification, or to complete the form. The agency must photocopy the incomplete Interim Report before sending the form back to the household.

The agency must consider the report incomplete if:

- The Case Name, head of the household, responsible household member or authorized representative has not signed the form;
- The household fails to submit verification of earned income, or changes in unearned income, resources or residency; or
- The household fails to provide information needed to determine eligibility or benefit level.

The EW must use reasonable judgement to determine if the Interim Report is incomplete. For example, if the household marks "No Change" on the form for income but supplies new pay stubs, the report should not be considered incomplete. Similarly, if a household without elderly or disabled members notes the presence of medical expenses but does not provide verification, there is no need to request verification because the household is not entitled to a deduction.

If the household fails to return a **completed** Interim Report or fails to provide needed verification, **ADAPT will automatically close the case at the end of the seventh or thirteenth month if the EW has taken no other action on the case. In order for the automatic closure to occur, the EW must leave the case suspended for the seventh or thirteenth month.** The household will not receive benefits beginning with the seventh **or thirteenth** month. The agency does not need to send either an advance or an adequate notice when the household fails to submit a completed Interim Report or fails to take required actions or to supply requested verifications.

c. Verification Requirements

In order to determine eligibility for the second half of a certification period, the household must supply verification of eligibility factors. The household must provide the following:

- Proof of earned income. Verification is needed of all earned income even if the household reports an unchanged amount or source. At a minimum, the household must provide earned income from the month the Interim Report is prepared (Month 5/**Month 11**). If the amounts presented for this period are substantially different than the amounts presented at certification or the last reported change during the certification period, the EW must request additional verification, which likely should include pay stubs for the month the Interim Report is due (Month 6/**Month 12**). The verification requirement includes obtaining proof of terminated earned income.
- Proof of changed unearned income amounts or source;
- Proof of changed resource amounts or source
- Proof of changed shelter, medical, or dependent care expenses. The household will not get a deduction for the expense without verification. The household must supply verification only if it is entitled to the deduction however.
- Proof of changed child support obligations or expenses; and,
- Proof of other elements. The household may need to verify other eligibility elements reported on the Interim Report as needed.

Note: The household does not need to submit verification of self-employment or contract income that has been averaged.

d. Calculation of Benefits

The EW must make adjustments, as needed, to reflect information from the Interim Report in a household's eligibility and benefit level effective the seventh month. While the household must supply verification of earned income from the month before the Interim Report is filed, the EW may need additional pay verification from other months, including the current month, to determine a reasonable monthly average. Using a wider average may also be appropriate for unearned income sources or other changeable elements. For income sources that have been averaged over a year or other period, the previously verified monthly average must continue to be used.

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The EW must notify the household of the benefit calculation based on the Interim Report for the second half of the certification period and act to reinstate the case in ADAPT after the evaluation of the Interim Report. The agency must provide an adequate notice to notify the household of the benefit calculation.

C. ADVANCE NOTICE OF PROPOSED ACTION

The household must receive written notice prior to any action to reduce or terminate benefits within the certification period. The advance notice period is 10 days and begins with the day following the date the notice is given or mailed to the household.

The agency may use the Notice of Action for this purpose, unless benefits in both TANF and Food Stamps are being reduced or terminated simultaneously. In that case, use the Advance Notice of Proposed Action. Both forms and instructions are in Part XXIV. The Appeals and Fair Hearings pamphlet must be provided if computer-generated versions of the forms are used.

The following chart indicates which IEVS or other matches or inquiries require independent verification before advance notice can be sent:

<u>Source</u>	<u>Independent Verification?</u>
Virginia Employment Commission (VEC) Unemployment Benefits	No
VEC-Earnings	Yes
BENDEX - OASDI Benefits	No
SDX - SSI Benefits	No
Internal Revenue Service - Unearned Income	Yes
BEERS - Earned Income	Yes
Social Security Number Match	No
Operation Talon (a match with law enforcement agencies to detect fleeing felons or parole/probation violators)	No
SVES:	
Work credits/quarters	No
Prisoner files	Yes
Unearned income received through SSA	No

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A. GENERAL PROVISIONS

All persons who are able to work must be working or actively engaged in a work activity in order to receive food stamps. Unless an exemption to the Work Requirement exists, individuals may receive food stamps for only three months during a 36-month period. After the initial three-month period (Y1 benefits), an individual may receive benefits through a Special Exemption (E9) to allow certification up to six months. Special Exemption E9 months may also extend the certification period to six months for households with members who regain eligibility. The E9 code does not apply when a member's exemption status changes during an established certification period.

A nonexempt able-bodied household member must:

1. work for cash wages in any amount or for in-kind goods or services for 20 hours or more per week, averaged monthly;
2. participate in and comply with requirements of an employment services program operated by the Department of Social Services, other than job search, for 20 hours or more per week or for the number of hours assigned for the work experience component as calculated by the household's allotment divided by the federal minimum wage;
3. participate in and comply with non-departmental (DSS) work programs for 20 hours or more per week;
4. serve in an unpaid, volunteer capacity for a public or private agency, at a minimum, for the number of hours that is equal to the household's allotment divided by the federal minimum wage; or
5. any combination of these activities

in order to receive food stamps beyond three months. A nonexempt able-bodied household member may also participate in and comply with Workfare program requirements (Part XXII) in order to receive food stamps beyond three months. If the member was unable to work, as described above, because of good cause, the member will meet the Work Requirement as long as the absence is temporary and the member retains the job.

The 36-month period is a fixed period from the first of the month in which a household containing an individual subject to the Work Requirement is certified in Virginia. The 36-month period will begin and continue for any household member between the ages of 18 and 50, even if an exemption from the work requirement exists for that member at the time of certification or other case action. Tracking must be completed for all persons within the age range, even when they are exempt.

Any month in which an affected individual receives the full benefit month as part of a certified household will count toward the three-month limit.

Months in which a household receives prorated benefits will not count toward the three-month limit. Months in which the household does not receive an allotment because benefits are prorated to zero (i.e., less than \$10) will not count toward the limit however. Months in which a certified household is eligible to receive benefits but does not actually participate do not count toward the three-month period. Months for which a household repays benefits received erroneously also will not count toward the three-month limit once the household repays the claim in full.

A work program, for the purposes of this provision, will include programs operated under the Workforce Investment Act (WIA) and the Trade Adjustment Assistance Act in addition to the agency-sponsored employment and training programs. Job search activities assigned through FSET or other state or local social services programs are not acceptable tasks to count toward establishing a household member's eligibility for continuing benefits beyond the initial three-month limit. Job search activities assigned through WIA will be evaluated as an acceptable task however.

After three months of receiving benefits and a varying **number** of E9 months, an individual, not exempt from the Work Requirement, is not entitled to additional benefits during the balance of the 36-month period, except as allowed in Part XV.C. The agency must send an advance notice to participating households when a member becomes ineligible to participate further. These household members are disqualified household members during any period in which the individuals do not meet the Work Requirement. See Parts VI.C and XII.E for a discussion of disqualified household members.

Ongoing households with members who are not eligible because of the work requirement must continue to report changes involving these members.

B. WORK REQUIREMENT EXEMPTIONS

The following persons are exempt from the Work Requirement:

1. Any person who is under 18 years of age or over 50 years of age. See Part XIII.A.2.
2. Any person who is medically certified as mentally or physically unfit for work.
3. Any adult member of a food stamp household of which a child under age 18 is present.
4. A pregnant woman.
5. Any resident of an exempt locality. The exemption may be based on the unemployment rate of the locality or its identification as a Labor Surplus Area.

PART XXIV

FORMS

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COMMONWEALTH OF VIRGINIA
DEPARTMENT OF SOCIAL SERVICES**CHANGE REPORT**

CASE NAME	CASE NUMBER
WORKER NAME	LOCALITY
AGENCY TELEPHONE NUMBER	

Use this form or call your worker to report changes listed below for your Food Stamps or Temporary Assistance for Needy Families (TANF) case.

Report changes within 10 days of the day they occur; but at the latest, you have until the 10th day of the following month to report the change.

Note: If you have a Medicaid case, you must report **all** changes to your Medicaid worker within 10 days.

ADDRESS CHANGE

New Address (Street, Apt. Number)	City, State Zip	Telephone
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GROSS INCOME FOR YOUR HOUSEHOLD GOES OVER THE LIMIT BELOW

Number of People in your Household	Monthly	Weekly	Every 2 weeks	Twice a month
1	\$1,009	\$234.65	\$ 469.30	\$ 504.50
2	1,354	314.88	629.77	677.00
3	1,698	394.88	789.77	849.00
4	2,043	475.11	950.23	1,021.50
5	2,387	555.11	1,110.23	1,193.50
6	2,732	635.35	1,270.70	1,366.00
7	3,076	715.35	1,430.70	1,538.00
8	3,421	795.58	1,591.16	1,710.50
For each additional member add	+ \$345	+ \$80.23	+ \$160.46	+ \$172.50

These amounts are good through 9/30/05.

Add gross income for all the people in your household. New income total \$ _____

THE NUMBER OF WORK HOURS IN A WEEK GOES UNDER 20 FOR MEMBERS WHO ARE 18-50 IF THERE ARE NO CHILDREN IN THE HOUSE

NAME	NUMBER OF HOURS	WHERE WORKING
------	-----------------	---------------

IF YOU RECEIVE TANF, TELL US IF AN ELIGIBLE CHILD LEAVES YOUR HOME

Name	Date moved out	Name	Date moved out
------	----------------	------	----------------

CHANGES THAT MAY AFFECT VIEW PARTICIPATION FOR TANF. DISCUSS WITH YOUR VIEW WORKER.

Change that has occurred _____

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CHANGES YOU MAY WANT TO REPORT

CHANGE IN SHELTER EXPENSES

Rent or Mortgage \$ _____ per _____	Property Taxes \$ _____ per _____	Homeowner's Insurance \$ _____ per _____	Electricity \$ _____ per _____
Gas \$ _____ per _____	Oil \$ _____ per _____	Kerosene, Coal, wood, etc. List and give amount	
Water/Sewer \$ _____ per _____	Garbage \$ _____ per _____	Telephone (Basic Service Only) \$ _____ per _____	Installation Fees \$ _____ per _____

CHANGE IN DAY CARE EXPENSES

Person paying for care	Person receiving care	Amount billed \$ _____	How often?
------------------------	-----------------------	---------------------------	------------

CHANGE IN MEDICAL EXPENSES FOR MEMBER WHO ARE 60 OR MORE OR DISABLED

Name	Type of expense	Amount billed \$ _____

CHANGE IN LEGALLY OBLIGATED CHILD SUPPORT PAID TO ANOTHER HOUSEHOLD

Person paying support	Person receiving support	Amount legally obligated \$ _____ per _____	Amount paid \$ _____ per _____
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CHANGE IN THE NUMBER OF PEOPLE IN YOUR HOUSEHOLD

Has ANYONE MOVED IN?

Name	Date moved in	Relationship to you	Social Security Number	
Date of Birth	Race (not required)	Sex	Marital Status	
U.S. Citizen Yes () No ()	If Alien, give alien number, date of entry	Last school grade completed	Currently in School? Yes () No ()	

HAS ANYONE MOVED OUT?:

Name	Date moved out	Name	Date moved out
------	----------------	------	----------------

HOW LONG DO YOU EXPECT THE CHANGE(S) TO CONTINUE

() YES () NO Do you expect any of the change(s) you listed on this report to continue beyond this month? If YES, explain

I declare that all information I gave on this form is correct and complete to the best of my knowledge and belief.

Signature _____ Date _____

The Virginia Department of Social Services is an equal opportunity provider.

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Internal Action and Vault EBT Card Authorization

FORM NUMBER - 032-03-387

PURPOSE OF FORM - The Eligibility Unit will use this form to communicate with the Issuance or Administrative Unit in the local agency.

USE OF FORM - The EW must complete the top portion of the form to authorize the Issuance Unit to prepare and issue a vault card to an eligible household. The Eligibility Supervisor must complete the top portion of the form to authorize the Issuance or Administrative Supervisor, as designated by the agency, to credit the card replacement fee to a household's EBT account. The Issuance or Administrative Unit must complete the bottom portion of the form to document the action taken. The primary cardholder must also sign the form to acknowledge receipt of the vault card. The agency must use the internal action form to document repayment of a claim with funds in an EBT account or to debit an account for an administrative error.

NUMBER OF COPIES - Three.

DISPOSITION OF FORM - The Eligibility Worker or Supervisor must retain a copy of the form and forward the remaining copies to the Issuance or Administrative Unit for completion. The Issuance or Administrative Unit must retain a copy of the fully completed form and return the second copy to the Eligibility Unit. Upon receipt of the form, the Eligibility Worker or Supervisor must file the copy in the case file. The initial copy completed only by the Eligibility Unit may be discarded.

INSTRUCTIONS FOR PREPARATION OF FORM - The EW or Supervisor must complete the identifying case and unit information. The EW or Supervisor must complete the appropriate section of the top portion of the form to explain or authorize actions, including Section I to note why a vault card is necessary.

The Eligibility Supervisor must complete Section II to authorize crediting the card replacement fee back to the household's EBT account. The Eligibility Supervisor must also complete Section III to debit benefits from an account that were erroneously deposited as a result of an administrative error.

The EW or Supervisor may authorize the reactivation of a dormant account by completing Section IV. The Primary Cardholder may also contact the Issuance or Administrative Worker directly to request the reactivation of the account. The EW or supervisor may also authorize deducting funds from an account to repay a claim by completing Section V.

The Issuance Unit must promptly act to prepare a vault card for a household upon receipt of the form completed by the Eligibility Unit. The Issuance Worker must obtain and record identity verification before releasing the vault card and secure the signature of the cardholder on the form.

The completed form must remain with a prepared vault card until the cardholder comes to the agency. The Issuance Unit must destroy the card after five business days if the cardholder does not receive it or make additional arrangements to receive the card. The Issuance Worker must note the date of the destruction of the card on the form. If the agency opts to wait until the cardholder comes to pick up the vault card before preparing the card, the Issuance Unit must notify the EW if the cardholder fails to obtain the card within five business days after the initial authorization by the certification unit.

The supervisor of the Issuance or Administrative Unit, as determined by the agency, must complete the section to credit the card replacement fee back to the household's EBT account.

The Issuance or Administrative Worker or Supervisor must sign and date the form.